

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TONY DIAZ,)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 04-10274-PBS
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

ORDER

October 22, 2009

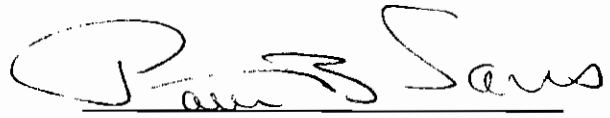
Saris, U.S.D.J.

Upon consideration of the motion under 28 U.S.C. §2255 to vacate, set aside, or correct sentence by a person in federal custody filed by pro se petitioner Tony Diaz ("Diaz"), and the United States of America's response thereto, it is hereby ORDERED as follows:

- (1) The Petitioner must file (a) a waiver of attorney-client privilege with respect to the factual issues raised by his claim of ineffective assistance of counsel; (b) a statement under oath describing significant conversations and communications he had with his trial counsel, Associate Justice (then trial counsel) Andrew M. D'Angelo, Esq., concerning the subjects contained in his motion, which alleges ineffective assistance of counsel; and (c) any documents which support his claim.
- (2) Within 15 days of receipt of such waiver and supplement, the government is hereby ORDERED to serve a copy of such waiver and supplement, along with a copy of the petitioner's §2255 motion and supporting memorandum, upon the Associate Justice (then trial counsel) Andrew M. D'Angelo;
- (3) Within 30 days of receipt of the waiver, the government shall inform the Court whether the government seeks to

proceed based on Mr. Diaz's sworn statement, an evidentiary hearing, an affidavit of trial counsel, or other procedure.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Patti B. Saris". The signature is written in a cursive, flowing style with a large initial "P" and "S".

PATTI B. SARIS

United States District Judge